

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1382

AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 11. Interrogation of a Student**

**Sec. 1. The definitions in IC 20-33-8 apply to this chapter.**

**Sec. 2. A school, including a public or nonpublic school, shall comply with this chapter.**

**Sec. 3. (a) This section applies if a school does not have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer.**

**(b) If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer:**

**(1) on school property; and**

**(2) regarding an investigation in which the student may be a suspect;**

**the school principal must make an effort to immediately notify the student's parent of the interrogation, or if immediate notification is not possible, the school principal must notify the student's parent not later than twelve (12) hours after the interrogation occurs. This subsection does not require the presence of a student's parent at the interrogation if the student is eighteen (18) years of age or**

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**Sec. 4.** If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student.

SECTION 2. IC 31-37-4-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a)** This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.

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**(25) A controlled substances offense under IC 35-48.**

**(26) A criminal gang offense under IC 35-45-9.**

**(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:**

**(1) that the child was taken into custody; and**

**(2) of the reason why the child was taken into custody.**

**(c) The notification under subsection (a) must occur within forty-eight (48) hours after the child is taken into custody.**

**(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.**

SECTION 3. IC 31-39-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A judge of a juvenile court or the judge's employees may not exercise any jurisdiction or control over:

(1) records kept and maintained by law enforcement agencies relating to juveniles; and

(2) the discretion granted to heads of law enforcement agencies to release, or to grant access to, records and information unless otherwise specifically provided in the juvenile law, **including IC 31-37-4-3 and IC 31-39-9**. Any specific authority that is granted does not imply the existence of any other jurisdiction or control.

SECTION 4. IC 31-39-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A juvenile court may release court records to an entity listed in IC 31-39-9-1 without a court order.**

SECTION 5. IC 31-39-2-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:

(1) the superintendent, or the superintendent's designee;

(2) the chief administrative officer of a nonpublic school, or the chief administrative officer's designee; or

(3) the individual with administrative control within a charter school, or the individual's designee;

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submits a written request that meets the requirements of subsection (b).

(b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to:

- (1) serve the educational needs of the child whose records are being released; or
- (2) protect the safety or health of a student, an employee, or a volunteer at the school.

(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school.

(d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential. A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:

- (1) another school; ~~or~~
- (2) a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person;

**or**

**(3) an entity listed in IC 31-39-9-1.**

A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential.

SECTION 6. IC 31-39-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 9. Exchange of Information Concerning Delinquent Children**

**Sec. 1. The following entities and agencies may exchange records of a child who is a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or federal law:**

- (1) A court.**
- (2) A law enforcement agency.**
- (3) The department of correction.**
- (4) The department of child services.**
- (5) The office of the secretary of family and social services.**
- (6) A primary or secondary school, including a public or nonpublic school.**

SECTION 7. IC 35-50-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

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**Chapter 8. Primary or Secondary School Student Delinquency and Criminal Conviction Information**

**Sec. 1. (a) If an individual is enrolled in a primary or secondary school, including a public or nonpublic school, and:**

**(1) is convicted of:**

- (A) a Class A felony;**
- (B) a Class B felony;**
- (C) a Class C felony; or**
- (D) at least two (2) Class D felonies; or**

**(2) has been adjudicated as a delinquent child for:**

**(A) an act that would be:**

- (i) a Class A felony;**
- (ii) a Class B felony; or**
- (iii) a Class C felony; or**

**(B) acts that would be at least two (2) Class D felonies;**

**if committed by an adult;**

**the judge who presided over the trial, accepted the plea agreement, or adjudicated the child a delinquent child shall give written notification of the conviction or adjudication to the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is enrolled in a public school, the superintendent of the school district in which the individual is enrolled.**

**(b) Notification under subsection (a) must occur within seven (7) days after the conclusion of the trial, the date a plea agreement is accepted, or the date the child is adjudicated a delinquent child.**

**(c) The notification sent to a school or school district under subsection (a) must include only:**

- (1) the felony for which the individual was convicted or that the individual would have committed if the individual were an adult; and**
- (2) the individual's sentence or juvenile law disposition.**

**(d) If the court later modifies the individual's sentence or juvenile law disposition after giving notice under this section, the court shall notify the school or the school district in which the individual is enrolled of the sentence or disposition modification.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

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